

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ASSOCIATED RECOVERY, LLC,

Plaintiff,

v.

JOHN DOES 1-44,

Defendants *in rem*.

No. 3:16-CV-1025-L

In re:

744.COM	KXW.COM	UHW.COM	YJX.COM
028.COM	LNM.COM	VCZ.COM	YLZ.COM
3DCAMERA.COM	LUOHE.COM	VGJ.COM	YQP.COM
FNY.COM	MEQ.COM	WYD.COM	YQT.COM
FX2.COM	OCU.COM	XAQ.COM	YRN.COM
FXF.COM	PIXIE.COM	XFF.COM	YTE.COM
JTZ.COM	QMH.COM	XSG.COM	YYG.COM
KGJ.COM	RUTEN.COM	YCX.COM	ZDP.COM
KMQ.COM	SDU.COM	YEY.COM	ZHD.COM
KOU.COM	SQG.COM	YGX.COM	ZULIN.COM
KXQ.COM	TAOLV.COM	YJR.COM	ZZM.COM

**JTZ.COM, OCU.COM, AND YTE.COM'S MOTION TO JOIN
DEFENDANTS' RENEWED RULE 12(B) MOTION TO DISMISS**

Through the undersigned counsel, *in rem* Defendants JTZ.com, OCU.com, and YTE.com hereby move the Court to join in Defendants' Renewed Rule 12(b) Motion to Dismiss (Dkt. 47), previously filed and fully briefed by other Defendants who previously appeared in this Action.

Movant Defendants JTZ.com, OCU.com, and YTE.com ("Movants") recently joined this Court's action when the Eastern District of Virginia transferred the litigation against

Movants. *See Order, Associated Recovery, LLC v. John Does 1-44*, No. 1:15-cv-1723, Dkt. 59 (E.D. Va. Jul. 1, 2016). The Eastern District of Virginia transferred Movants without deciding the Rule 12(b) portion of their respective motions to dismiss or, in the alternative, transfer. *See id.* Thus, the Rule 12(b) portion of Movants' original motions remain available for judicial determination. *See Astec Am., Inc. v. Power-One, Inc.*, No. 6:07-cv-464, 2008 WL 1734833, *2 (E.D. Tex. Apr. 11, 2008) (renewed Rule 12 motion decided by transferee court); *see also Abusadeh v. Chertoff*, No. 06-cv-2014, 2007 WL 2111036, *1 (D.D.C. Jul. 23, 2007) (granting defendants' motion to transfer venue and denying motion to dismiss without prejudice "so that Defendants may refile it, if appropriate, upon transfer").

Movants' Rule 12(b) arguments are three-fold. First, Plaintiff fails to state a claim upon which relief can be granted, so the Court should dismiss this action under Rule 12(b)(6). Second, Plaintiff lacks standing to bring this suit, so the Court should dismiss this action under Rule 12(b)(1). Finally, Plaintiff failed to join necessary parties, so the Court should dismiss this action under Rule 12(b)(7). Movants' arguments are identical to the arguments already raised and fully briefed by other defendants who were previously transferred to this Court. Thus, to save the Court from reading repetitive briefing, Movants JTZ.com, OCU.com, and YTE.com respectfully ask to join in Defendants' Renewed Rule 12(b) Motion to Dismiss (Dkt. 47), Memorandum in Support of Defendants' Renewed Rule 12(b) Motion (Dkt. 48) and Appendix thereto (Dkt. 49), and Reply in Support of Defendants' Renewed Rule 12(b) Motion (Dkt. 60) and Appendix thereto (Dkt. 61).¹

The movant Defendants note that the Court recently granted Plaintiff's Motion for Leave to File Amended Complaint (*see Order*, Dkt. 73). But Plaintiff's August 1, 2016 deadline for

¹ The undersigned counsel believe this joinder to the earlier briefing is the most efficient manner for Movants to raise this issue, but reserve the right to file a full-length memorandum in support hereof, if the Court prefers.

filings an amended complaint (*see id.*) falls on the same date as the deadline for the movant Defendants to answer, move or otherwise respond to Plaintiff's Complaint in this action. *See Order, Associated Recovery, LLC v. John Does 1-44*, No. 1:15-cv-1723, Dkt. 59 (E.D. Va. Jul. 1, 2016). Thus, Movants file this Motion with expectation that Plaintiff may soon file an amended complaint, which would restart the motion-to-dismiss process for all Defendants.

Dated: July 25, 2016

Respectfully submitted

By: /s/ Steven M. Geiszler

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Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 25, 2016 I caused the foregoing document to be served on counsel of record via the Court's CM/ECF system.

/s/ Steven M. Geiszler
Steven M. Geiszler